

Case No. 07 CV 6211 (Scheidlin)
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
Alan Newton, Plaintiff, v. The City of New York, <i>et al.</i> , Defendants.
SUMMONS WITH PROOF OF SERVICE ON DEFENDANT O'TOOLE
LAW OFFICE OF JOHN F. SCHUTTY P.C. <i>Attorney for Plaintiff</i> 445 Park Avenue, 9 th Floor <i>Borough of Manhattan</i> New York, New York 10022 (212) 836-4796

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

ALAN NEWTON,

SUMMONS IN A CIVIL CASE

V.

THE CITY OF NEW YORK, et al.
(See Attached Rider "A" for list of other
Defendants)

CASE NUMBER:

07 CV 6211

JUDGE SCHEINDLIN

TO: (Name and address of defendant)

The City of New York
c/o Comptroller of the City of New York
1 Centre Street
New York, NY 10007 (See Attached Rider "B" for list of other Defendants)

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John F. Schutty, Esq.
Law Office of John F. Schutty, P.C.
445 Park Avenue, 9th Floor
New York, NY 10022

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

JUL 03 2007

CLERK

DATE

Jessica Ross
(BY) DEPUTY CLERK

ALAN NEWTON

Plaintiff(s)

Index # 07 CV 6211 (SCHEINDLIN)

- against -

Purchased July 3, 2007

THE CITY OF NEW YORK, ETAL

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

LUIS AGOSTINI BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on September 14, 2007 at 07:50 PM at

C/O NYPD
 BRONX DETECTIVE BUREAU
 1086 SIMPSON STREET
 BRONX, NY 10459

deponent served the within SUMMONS AND COMPLAINT; INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN; INDIVIDUAL RULES AND PROCEDURES JUDGE SHIRA A.* on POLICE OFFICER WILLIAM SEAN O'TOOLE therein named,

SUITABLE AGE

by delivering thereat a true copy of each to P.O. MEJIA #627 a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. He identified himself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
MALE	TAN	BALD	38	5'8	220

GLASSES

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

C/O NYPD
 BRONX DETECTIVE BUREAU
 1086 SIMPSON STREET
 BRONX, NY 10459

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on September 17, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

MILITARY SERVICE

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.


*SCHEINDLIN

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: September 17, 2007

JOEL GRABER
 Notary Public, State of New York
 No. 02GR4699723
 Qualified in New York County
 Comm. Expires February 10, 2010

JONATHAN GRABER
 Notary Public, State of New York
 No. 01GR6156780
 Qualified in New York County
 Comm. Expires December 4, 2010


LUIS AGOSTINI
 License #: 1027732
 Invoice #: 447931